

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

James R. <i>Bartholomew</i> , individually and on behalf of all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08 CV 4910 (AKH)
	)	
Morgan Stanley and Morgan Stanley & Co.	)	
Incorporated,	)	
	)	
Defendants.	)	

**JAMES R. BARTHOLOMEW'S NOTICE OF MOTION AND MOTION FOR  
APPOINTMENT OF FINKELSTEIN THOMPSON LLP AS INTERIM CLASS  
COUNSEL FOR INVESTMENT ADVISOR ACT AND COMMON LAW CLAIMS**

PLEASE TAKE NOTICE that Plaintiff James R. Bartholomew, by their counsel, will hereby move this Court on a date and such time as may be designated by the Court, at 500 Pearl Street, New York, New York, to Order (filed herewith) the appointment of Movant's selection of the law firm of Finkelstein Thompson LLP as Interim Class Counsel with respect to the Investment Advisers Act and state law claims pursuant to Fed. R. Civ. P. 23(g)(2) and (3). In support of this Motion, Movants submit herewith a Memorandum of Law, a [Proposed] Order, and the Declaration of Michael G. McLellan, dated July 21, 2008.

DATED: New York, New York  
July 21, 2008

Respectfully submitted,

**SCHOENGOLD SPORN  
LAITMAN & LOMETTI, P.C.**

/s/ Frank R. Schirripa  
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*Attorneys for Plaintiff James R.  
Bartholomew*

**CERTIFICATE OF SERVICE**

I, Michael G. McLellan, one of the counsel for Plaintiff in the above-referenced action, do hereby certify that on July 21, 2008, a true and correct copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the notice of electronic filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Michael G. McLellan

Michael G. McLellan